

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ACCREDITED SURETY AND CASUALTY
COMPANY, INC.,

Plaintiff,

-against-

RVB CONSTRUCTION INC. d/b/a THE MASON
GROUP,

Defendant.

Civil Action No. 1:22-cv-10772

~~PROPOSED~~ ORDER
OF DEFAULT JUDGMENT

Hon. Alvin K. Hellerstein, District Judge:

This matter came before the Court on Plaintiff, ACCREDITED SURETY AND CASUALTY COMPANY, INC.'s ("Accredited") motion for a default judgment against defendant RVB CONSTRUCTION INC. d/b/a THE MASON GROUP ("RVB") under Rule 55(b)(2) of the Federal Rules of Civil Procedure for failure to answer or otherwise move with respect to the Complaint in this action.

NOW, upon concluding that RVB failed to answer or otherwise appear in this action and that Accredited obtained Certificates of Default from the Clerk of this Court, it is

ORDERED that default judgment is GRANTED in favor of Accredited and against RVB under Rule 55(b)(2) of the Federal Rules of Civil Procedure, and that it is ADJUDGED, DECLARED, AND DECREED that:


- 1) RVB has breached its duty to cooperate under the policy in question, namely, Commercial General Liability Policy Number No. 1-TPM-NY-17-01234873 issued to RVB for the policy period from February 6, 2018 to February 6, 2019; and
- 2) Accredited has no obligation to defend or indemnify RVB in connection with the underlying lawsuits captioned:

- a) *David Aredondo v. Hudson 888 Owner LLC, Leeding Builders Group LLC, R.C. Structures Inc., and RVB Construction Inc. D/B/A The Mason Corp.*, pending in Supreme Court of The State of New York, County of Bronx, Index No. 31029/2019E (the “Aredondo Action”); and
- b) *Wesco Insurance Company, as subrogee of Eastside 46 LLC and 312 East 106th Street LLC v. 308-310 Realty LLC, C&J Construction and Painting LLC, A&T Engineering P.C., RVB Construction Inc., Certified Testing Laboratories, Inc., and Structural Engineering Technologies P.C.*, pending in Supreme Court of The State of New York, County of New York, Index No. 159080/2020 (the “Wesco Action”).

SO ORDERED

Date:

Aug 24, 2023


Hon. Alvin K. Hellerstein
United States District Judge